

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|-------------------------|---|--------------|
| ANTHONY ROY CAMPBELL | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| MICHAEL CHERTOFF et al. | : | No. 05-2041 |

ORDER

AND NOW, this 31st day of August, 2005, upon consideration of Campbell's petition for writ of habeas corpus (docket entry # 1), the Government's response (docket entry # 5), Campbell's reply (docket entry # 9), and the July 29, 2005 Report and Recommendation of the Honorable David R. Strawbridge (docket entry # 7), and the Court finding that, in his petition, Campbell contends that the Immigration and Customs Enforcement Service should release him while he pursues his appeal of our July 12, 2004 denial of his motion for a stay and for habeas corpus in Civ. No. 04-2016, and the Court further finding that our Court of Appeals in its decision in App. No. 04-3274 on August 29, 2005 concluded that Campbell was not entitled to relief and vacated its stay of Campbell's removal, thereby mooting the instant petition and that, in any event, Judge Strawbridge's cogent analysis (to which Campbell interposed no objections) demonstrates that Campbell's legal claim would have been meritless, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
 2. The petition for writ of habeas corpus is DENIED;
 3. A certificate of appealability shall NOT ISSUE;
- and

4. The Clerk shall CLOSE this matter statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.